

MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
MONDAY, JUNE 7, 1999

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At 10:00 a.m., the court met in a special session at the Sacramento Community Center for the purpose of admission of new attorneys to the California State Bar.

PRESENT: HONORABLE VANCE W. RAYE, Acting Presiding Justice
 HONORABLE CONNIE M. CALLAHAN, Associate Justice
 HONORABLE DANIEL KOLKEY, Associate Justice

Robert L. Liston, Clerk/Administrator
Reggie Rios, Bailiff
Deena C. Fawcett, Assistant Clerk/Administrator

Seating of State and local Bar representatives

Court called to order by Ms. Reggie Rios.

Acting Presiding Justice Vance W. Raye welcomes admittees and introduces speakers.

Ms. Anne E. Sheehan Representing the Committee of Bar Examiners of the California State Bar, speaks to admittees and presents motion for admission.

Mr. Joseph Bell, Former Member of the Board of Governors of the California State Bar, speaks to admittees.

Barbara Yonemeua, 2nd Vice-Chairperson of the Sacramento County Bar Association, speaks to admittees.

Associate Justice Connie Callahan speaks to admittees.

Associate Justice Daniel Kolkey speaks to admittees and reads from Section 6068 of the Business & Professions Code.

Acting Presiding Justice Vance W. Raye speaks to admittees and directs clerk to administer oath.

Oath administered by Mr. Robert L. Liston, Clerk/Administrator.

Court adjourns.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
MONDAY, JUNE 7, 1999 CONTINUED**

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MISC-ORDER

99-05 BY THE COURT:

Associate Justice Coleman A. Blease is appointed to serve as Acting Presiding Justice to discharge the duties described in Rules 75, 76, 77 and 78 of the California Rules of Court during the absence of the Presiding Justice from the court on June 11, 1999, or until his return. (See Cal. Const. Art 6. Sec. 3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

Dated: June 7, 1999

SCOTLAND, P.J.

Crim. THE PEOPLE
No. v.
C029113 LUIS RAMIREZ MARQUEZ
BY THE COURT:

Appellant's petition for rehearing is denied.

Dated: June 7, 1999

DAVIS, Acting P.J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C029294 JAVIER A. CHAVES
The judgment is affirmed.

CALLAHAN, J.

We concur: DAVIS, Acting P.J.
 MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C029906 BRETT SPENCER GRANT
The judgment is affirmed.

BLEASE, Acting P.J.

We concur: RAYE, J.
 MORRISON, J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
MONDAY, JUNE 7, 1999 CONTINUED**

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Juvenile ALISA M. (Not for Publication)
No. v.
C032358 SUPERIOR COURT OF PLACER COUNTY
 DEPARTMENT OF HEALTH AND HUMAN SERVICES et al.

The petition is granted. The juvenile court is directed to provide
petitioner with an additional six months of reunification services.

BLEASE, Acting P.J.

We concur: SIMS, J
 HULL, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C027606 JEFFERY AARON ERICKSON

The order reducing defendant's convictions from second degree top
gross vehicular manslaughter is reversed. Erickson's appeal is denied. The
cause is remanded with directions to the trial court to reinstate the jury
verdicts and pronounce sentence according to law.

CALLAHAN, J.

We concur: SIMS, Acting P.J.
 HULL, J.

Civil ARNOLD NARANJO et al. (Not for Publication)
No. v.
C027804 GARNICA CORPORATION et al.

The judgment is reversed. Plaintiffs shall recover their costs on
appeal.

MORRISON, J.

We concur: SIMS, Acting P.J.
 HULL, J.

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SCOTLAND, P.J.

RAYE, J.

NICHOLSON, J.

Juvenile KIMBERLY F. (Not for Publication)
No. v.
C031887 SUPERIOR COURT
CHILDREN’S SERVICES DIVISION et al.

The petition is denied.

SCOTLAND, P.J.

We concur: NICHOLSON, J.
HULL, J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
TUESDAY, JUNE 8, 1999 CONTINUED**

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Civil RONALD ELLIOT et al (Not for Publication)
No. v.
C025836 DONALD C. BROCKHOFF et al.

The judgment is reversed. Defendants shall recover their costs on appeal.

RAYE, J.

We concur: SIMS, Acting P.J.
 CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C030628 DAVID CECIL TUGGLE

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: SIMS, J.
 HULL, J.

Juvenile In re JASMENN W., a Person Coming Under the Juvenile Court Law.
No. SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN
 SERVICES
C031509 v. (Not for Publication)
 LARRY W.

The placement orders, and all other orders relating to the care and custody of the minor, are reversed.

DAVIS, J.

We concur: SIMS, Acting P.J.
 HULL, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C029715 OSCAR JESUS REYES VIZCARRA

The judgment is affirmed.

CALLAHAN, J.

We concur: DAVIS, Acting P.J.
 MORRISON, J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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TUESDAY, JUNE 8, 1999 CONTINUED

Civil STEPHEN R. OGDEN, ETC. et al.
No. v. (Not for Publication)
C027129 WILLIAM THORNTON, ETC. et al.
C027547

The judgment is affirmed. Defendant Thornton shall recover his costs on appeal.

RAYE, J.

We concur: SCOTLAND, P.J.
 SIMS, J.

WEDNESDAY, JUNE 9, 1999

Crim. THE PEOPLE
No. v.
C027670 IRMA BAZLEY
 BY THE COURT:

Appellant's petition for rehearing is denied.

Dated: June 9, 1999

DAVIS, Acting P.J.

Juvenile In re JAIME H., a Person Coming Under the Juvenile Court Law.
No. BUTTE COUNTY CHILDREN'S SERVICES DIVISION
C031180 v. (Not for Publication)
 DONNA L.

The orders of the juvenile court are affirmed.

HULL, J.

We concur: BLEASE, Acting P.J.
 SIMS, J.

Juvenile In re DEJUAN H., a Person Coming Under the Juvenile Court law.
No. THE PEOPLE (Not for Publication)
C031026 v.
 DEJUAN H.

The judgment (order committing the minor to the California Youth Authority) is affirmed.

HULL, J.

We concur: BLEASE, Acting P.J.
 SIMS, J.

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Juvenile	In re CARMEN P. et al., Persons Coming Under the Juvenile Court Law. (Not for Publication)
No.	SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES.
C030306	v. MARIA B.

HULL, J.

Civil JONATHON LEVI ROSS, a Minor, etc.
No. v. (Not for Publication)
C026415 FORD MOTOR COMPANY

... Accordingly, the petition for rehearing is denied.

BY THE COURT:
SCOTLAND, P.J.
SIMS, J.
MORRISON, J.

It is ordered that the above entitled opinion filed herein on May 11, 1999, be modified in the following particulars:

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Plaintiff's petition for rehearing is denied.

FOR THE COURT:
SCOTLAND, P.J.
MORRISON, J.
CALLAHAN, J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
WEDNESDAY, JUNE 9, 1999 CONTINUED**

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Crim. THE PEOPLE (Not for Publication)
No. v.
C029489 CURTIS EUGENE AGUIRRE
The judgment is affirmed.
DAVIS, Acting P.J.
We concur: MORRISON, J.
CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C029543 SHERI DEANN PRICE
The judgment is affirmed.
HULL, J.
We concur: BLEASE, Acting P.J.
RAYE, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C028294 ERNEST LEONARD DETORE
The judgment is affirmed.
DAVIS, Acting P.J.
We concur: MORRISON, J.
CALLAHAN, J.

Juvenile In re PAM V. et al, Persons Coming Under the Juvenile Court law.
No. SAN JOAQUINA COUNTY HUMAN SERVICES AGENCY
C029843 v. (Not for Publication)
LORETTA V.
The judgment of the juvenile court is affirmed.
HULL, J.
We concur: SCOTLAND, P.J.
NICHOLSON, J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
WEDNESDAY, JUNE 9, 1999 CONTINUED**

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Juvenile
No.
C032261

ROSEMARY P.
v.

THE SUPERIOR COURT OF EL DORADO COUNTY
EL DORADO COUNTY DEPARTMENT OF SOCIAL SERVICES et al.

The petition and request for a stay are denied.

SIMS, Acting P.J.

We concur: DAVIS, J.
 HULL, J.

Crim.
No.
C029088

THE PEOPLE (Not for Publication)

v.

MARK STEPHEN FERGUSON

The judgment is affirmed.

SIMS, J.,

We concur: SCOTLAND, P.J.
 NICHOLSON, J.

Juvenile
No.
C030435

In re DAVID B., a Person Coming Under the Juvenile Court Law.
SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN
SERVICES (Not for Publication)

v.

DAVID A.

In all other respects, the orders are affirmed.

HULL, J.

We concur: SIMS, Acting P.J.
 DAVIS, J.

Civil
No.
C029615

ANGELA JEAN BROOKS (Not for Publication)

v.

TOM LEE, as Executive Director, ETC.

The order is affirmed.

HULL, J.

We concur: NICHOLSON, Acting P.J.
 MORRISON, J.

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HULL, J.

THURSDAY, JUNE 10, 1999

The order of the Board denying reconsideration affirmed.

HULL, J.

We concur: BLEASE, Acting P.J.
 DAVIS, J.

Crim. THE PEOPLE (Certified for Publication)
No. v.
C030442 SEAN EUGENE DILLER

The judgment is reversed. The finding that defendant had a prior conviction under the three strikes law is stricken. The matter is remanded for resentencing on the two counts of selling methamphetamine.

MORRISON, J.

We concur: SIMS, Acting P.J.
 KOLKEY, J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
THURSDAY, JUNE 11, 1999**

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Crim. THE PEOPLE
No. v.
C032772 PAUL JAMES KEMPEL
BY THE COURT:

The court, on its own motion, having examined the notice of appeal and having determined that the order appealed from is non-appealable, the appeal filed May 21, 1999, is dismissed. (See Pen. Code. Sec. 1538.5, subd. (i), (m).)

Dated: June 11, 1999

SIMS, Acting P.J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C027482 HERBERT LEWIS JOSEPH

The judgment is affirmed.

MORRISON, J.

We concur: SCOTLAND, P.J.
NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C031238 TINO LEWIS

The judgment is modified to impose a \$200 parole fine pursuant to Penal Code section 1202.45, suspended unless defendant's parole is revoked. The trial court is directed to prepare an amended abstract of judgment accordingly and to forward a certified copy to the Department of Corrections. As modified, the judgment is affirmed.

CALLAHAN, J.

We concur: SCOTLAND, P.J.
NICHOLSON, J.

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DAVIS, J.

We concur: SCOTLAND, P.J.
NICHOLSON, J.

Crim. THE PEOPLE (Certified for Publication)
No. v.
C028898 ISAIAS RODRIGUEZ POSAS

The judgment (order) is affirmed.

(CERTIFIED FOR PUBLICATION)

CALLAHAN, J.

We concur: SIMS, Acting P.J.
 RAYE, J.

Crim. In re CURT Q. HARRIS on Habeas Corpus
No.
C032801

BY THE COURT:

The court having examined the notice of appeal and having determined that the order appealed from is non-appealable, the appeal filed June 3, 1999, is dismissed.

Dated: June 11, 1999

SIMS, Acting P.J.

Juvenile In re THOMAS L. et al., Minors Coming Under the Juvenile Court Law.
No. DEPARTMENT OF HUMAN SERVICES
C031793 v. (Not for Publication)
SPRING C.

The orders of the juvenile court terminating appellant's parental rights are affirmed.

DAVIS, J.

We concur: SCOTLAND, P.J.
NICHOLSON, J.